

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOSÉ A. CRUZ KERKADO; et al

Plaintiff

v.

COMMONWEALTH OF PUERTO RICO; et al

Defendants

CIVIL NO.: 16-2748 (ADC)

Constitutional Rights:

2nd Amendment

- Invasion of Privacy
- Freedom of Association
- Tax on 2nd Amendment
- Interstate Commerce/Travel

MOTION TO STRIKE DOCKET NO. 30

TO THE HONORABLE COURT:

COME NOW, Co-Defendants, the Commonwealth of Puerto Rico, the Puerto Rico Police Department and the Puerto Rico Department of Leisure and Sports, without submitting to this Honorable Court's jurisdiction or waiving any affirmative defense, through the undersigned Attorneys, and respectfully **STATE** and **PRAY** as follows:

1. On September 29, 2016, Plaintiffs filed the instant Complaint. (Dkt No. 1). Consequently, on November 23, 2016, Co-Plaintiff, Puerto Rico Shooting Association filed its "Defendant PRSA'S Motion to Dismiss" (Dkt. No. 17), followed by appearing Co-Defendants' "Motion for Joinder to Docket No. 17, Motion to Dismiss Pursuant to F.R.Civ.P. 8(a) and 12(b)(6)", on December 1, 2016. (Dkt No. 19).

2. After several procedural incidents, on January 4, 2017, Plaintiffs filed a "Motion for Leave to File Amended Complaint and Withdraw Without Prejudice Cause of Action One, Four & Five." (Dkt. No. 28). Immediately thereafter, without prior leave from this Honorable Court, Plaintiffs filed the "Amended Complaint." (Dkt. No. 29).

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3. Notwithstanding the above, on that same day, Plaintiffs still filed "Plaintiff[s]" Memorandum in Opposition to Defendant PRSA's Motion to Dismiss (Docket No. 18) and Defendant Justice Department's Motion to Dismiss (Docket No. 19)." (Dkt. No. 30).

4. Considering there is a request for leave to amend the Complaint pending (Dkt. No. 28) and a clear intention from Plaintiffs to do so (Dkt. No. 29), Plaintiffs' memorandum in opposition (Dkt. No. 30) has turned moot.

5. Therefore, appearing Co-Defendants request this Honorable Court to strike Dkt. No. 30 as moot.

WHEREFORE, appearing Co-Defendants respectfully request from this Honorable Court to take notice of all of the above stated, **GRANT** the instant motion and, as a consequence, **STRIKE** Docket No. 30, considering it has turned moot, along with any other relief that is deemed available by law.

I HEREBY CERTIFY that on this same date, I have electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11st day of January, 2016.

WANDA VÁZQUEZ GARCED
Designated Secretary of Justice

WANDYMAR BURGOS VARGAS
Acting Deputy Secretary
General Litigation Office and Acting
Director Federal Litigation and Bankruptcy Division

S/IVÁN J. SOLARES NÚÑEZ

Iván José Solares Núñez

U.S.D.C. No.: 302210

S/IDZA DIAZ RIVERA

Idza Díaz Rivera

U.S.D.C. No.:

Counsels Attorneys for Defendants

Department of Justice

Federal Litigation and Bankruptcy Division

P.O. Box 9020192

San Juan, P.R., 00902-0192

Tel. (787) 721-2900, ext. 2647,2650,2624,2606

Fax (787) 723-9188

solares@justicia.pr.gov

idez@justicia.pr.gov